

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
JOHANNES K. BAAS, debtor
6173 OAKHURST DRIVE
YPSILANTI, MI 48197
SSN: XXX-XX-2340

CHAPTER 13
CASE NO: 14-54697
JUDGE WALTER SHAPERO

**TRUSTEE'S MOTION TO DISMISS FOR DEBTOR'S FAILURE
TO ATTEND § 341 MEETING OF CREDITORS**

NOW COMES the Chapter 13 Standing Trustee, Tammy L. Terry, and files this motion pursuant to 11 U.S.C. §1307(c) and E.D. Mich. LBR 2003-1 (a) and states in support thereof as follows:

1. That this motion is brought pursuant to 11 U.S.C. §1307(c) and E.D. Mich. LBR 2003-1(a)
2. That the debtor's § 341 First Meeting of Creditors was scheduled for **Tuesday, March 17, 2015**. The debtor failed to attend the properly noticed hearing.
3. That the failure of the debtor to proceed in proper prosecution of the current case is the cause of unreasonable delay which is prejudicial to creditors and to the administration of the estate for which the dismissal of the case is appropriate pursuant to 11 U.S.C. § 1307(c)(1).
4. That pursuant to E.D. Mich. LBR 2003-1(a) an announcement of the Trustee's intent to file a motion to dismiss was made at the meeting of creditors.

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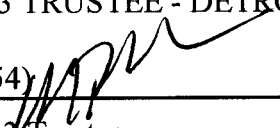
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WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court
enter an Order granting its motion.

March 19, 2015

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

/S/ TAMMY L. TERRY (P46254) 

TAMMY L. TERRY, Chapter 13 Trustee

/S/ KIMBERLY SHORTER-SIEBERT (P49608)

/S/ MARILYN R. SOMERS-KANTZER (P52488)

535 Griswold, Suite 2100

Detroit, MI 48226

(313) 967-9857

mieb_ecfadmin@det13.net

**UNITED STATES BANKRUPTCY COURT
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**ORDER DISMISSING CASE DUE TO DEBTOR'S
FAILURE TO ATTEND §341 FIRST MEETING OF CREDITORS**

This matter came on for hearing upon a motion filed by the Chapter 13 Standing Trustee pursuant to 11 U.S.C. §1307(c) and E.D. Mich. LBR 2003-1(a), a Notice and Opportunity for Hearing having been provided, and the records of the Court reflecting that the relief requested herein is warranted, the facts showing that the debtor's failed to appear at the §341 First Meeting of Creditors properly noticed for **Tuesday, March 17, 2015**; and the Court being otherwise sufficiently advised in the premises; and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the above captioned matter is dismissed due to Debtor failure to attend the duly schedule § 341 First Meeting of Creditors;

IT IS FURTHER ORDERED that the clerk's office shall immediately provide notice of the entry of this Order to all creditors listed in this case, the debtor, debtor's attorney, if any, and the Trustee;

IT IS FURTHER ORDERED that the within case is dismissed and the automatic stays issued pursuant to 11 U.S.C. § 362 and 1301 are hereby terminated;

IT IS FURTHER ORDERED that TAMMY L. TERRY, TRUSTEE, is discharged as Trustee and the Trustee and her surety are released from any and all liability on account of the within proceeding.

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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**NOTICE OF DISMISSAL FOR DEBTOR'S FAILURE
TO ATTEND § 341 MEETING OF CREDITORS**

The Chapter 13 Trustee has filed papers with the court to dismiss the above captioned case for debtor's failure to attend the 341 First Meeting of Creditors on **Tuesday, March 17, 2015**.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to dismiss this case, or if you want the court to consider your views on the Trustee's motion, within 14 days, you or your attorney must

1. File with the court a written response or an answer, explaining your position at *
**United States Bankruptcy Court
211 W. Fort Street, Detroit, Michigan 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:


**OFFICE OF THE CHAPTER 13 STANDING TRUSTEE - DETROIT
ATTN: MOTION DEPARTMENT
535 Griswold, Suite 2100 Detroit, MI 48226**

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

March 19, 2015

/S/ TAMMY L. TERRY (P46254) 
TAMMY L. TERRY, Chapter 13 Trustee
/S/ KIMBERLY SHORTER-SIEBERT (P49608)
/S/ MARILYN R. SOMERS-KANTZER (P52488)
535 Griswold, Suite 2100
Detroit, MI 48226
(313) 967-9857
mieb_ecfadmin@det13.net

* Response or answer must comply with F.R.Civ.P. 8(b), (c) and (e)

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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**CERTIFICATE OF ORAL NOTICE TO CREDITOR'S OF
TRUSTEE'S INTENT TO SEEK DISMISSAL**

The undersigned certifies that pursuant to E.D. Mich. LBR 2003-1 (a), the Trustee and/or her authorized representative provided oral notice to Creditors of her intent to seek dismissal at the time of the scheduled §341 First Meeting of Creditors and advised that a creditor opposing the motion or seeking a hearing must file and serve an objection on the Trustee within fourteen (14) days of the meeting date.

3/19/2015

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

/S/ TAMMY L. TERRY (P46254) 

TAMMY L. TERRY, Chapter 13 Trustee

/S/ KIMBERLY SHORTER-SIEBERT (P49608)

/S/ MARILYN R. SOMERS-KANTZER (P52488)

535 Griswold, Suite 2100

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EXHIBIT 3

**UNITED STATES BANKRUPTCY COURT
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**CERTIFICATE OF MAILING OF
TRUSTEE'S MOTION TO DISMISS FOR DEBTOR'S
FAILURE TO ATTEND § 341 MEETING OF CREDITORS**

I hereby certify that on the date indicated below, copies of **TRUSTEE'S
MOTION TO DISMISS FOR DEBTOR'S FAILURE TO ATTEND § 341 MEETING OF
CREDITORS, NOTICE OF DISMISSAL, and PROOF OF SERVICE** were electronically
filed with the Clerk of the Court, served via Electronic Court Filing and/or a copy of same was
deposited in the U.S. Mail to debtor's attorney (if any) or the debtor's , if unrepresented, at the
address as it appears below.

3/24/15

OFFICE OF THE CHAPTER 13 TRUSTEE
DETROIT

Babut Law Offices, PLLC
700 Towner Street
Ypsilanti, MI 48198

JOHANNES K. BAAS
6173 OAKHURST DRIVE
YPSILANTI, MI 48197

/S/ JUATANE MILLER
Chapter 13 Standing Trustee Clerk
535 Griswold, Suite 2100
Detroit, MI 48226
(313) 967-9857
mieb_ecfadmin@det13.net

EXHIBIT 4